

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE-OPELOUSAS DIVISION**

**KENNETH LEGE**

**CIVIL ACTION NO. 07-1694**

**VS.**

**JUDGE DOHERTY**

**WAL-MART LOUISIANA, L.L.C.  
SPECTRUM BRANDS, INC.  
UNITED INDUSTRIES CORP.  
CHEMSICO INC.**

**MAGISTRATE JUDGE METHVIN**

***JURISDICTIONAL AMOUNT REVIEW***

This diversity case was removed from a local state court pursuant to 28 U.S.C. § 1332. As required by a standing order of this court, the undersigned has reviewed the record to determine whether the required jurisdictional amount has been established.

Plaintiff alleges that in the Spring of 2005, he purchased Cutter Insect Repellant Cream from defendant Wal-Mart; that the product was manufactured by Chemisco, a division of United Industries, Corp., and marketed by Spectrum Brands, Inc.; that defendants knew or should have known that the product contained an unsafe level of DEET; that he used the product over a period of six months; that in September, 2005, after applying the cream to his neck and face, he “began to suffer from tightness in his throat, shortness of breath, swelling, and redness;”<sup>1</sup> that he was taken by ambulance to the hospital and diagnosed with an allergic reaction; and that he continues to suffer from shortness of breath, tightness in his throat, and neurological defects.

In his state court petition, plaintiff requested a trial by jury, indicating that his claims exceed \$50,000, exclusive of interest and costs. La. Code Civ. Pro. Art. 1732(1). Plaintiff did not state that the damages were insufficient for federal court jurisdiction. *See* La. Civ. Code Art.

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<sup>1</sup> Rec. Doc. 1-2.

893 (requiring an allegation regarding the amount of damages when necessary to establish the “ . . . lack of jurisdiction of federal courts due to insufficiency of damages . . . ”).

Considering the foregoing, the undersigned concludes that the required jurisdictional amount has been established, and no further briefing is required.

Signed at Lafayette, Louisiana, on November 8, 2007.



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Mildred E. Methvin  
United States Magistrate Judge  
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